

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEGAN BARRETT, LINDSEY HOUSER,
JENNIFER JONES, JENNIFER SEARD, KIMBERLY
CLINTON, ERIN ECKENRODE, JULIE SMYTH,
MARIE AVILA, CHRISTY LOWDER and TRACY
LE individually and on behalf of a class of similarly
situated female employees,

USDC-SDNY
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ELECTRONICALLY FILED
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DATE FILED: 6/29/2018

Civil Action No. 1:12-cv-05224
(RA) (GWG)

Plaintiffs,

-- against --

FOREST LABORATORIES, INC. and
FOREST PHARMACEUTICALS, INC.

Defendants.

**ORDER GRANTING FINAL APPROVAL OF THE CLASS SETTLEMENT AND
ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS, AND ENTERING
JUDGMENT**

Upon consideration of Plaintiffs' Motion for Final Approval of the Class Settlement ("Settlement" or "Settlement Agreement") and Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards and upon the Court's review of the Declarations of David W. Sanford, Deborah K. Marcuse, Michael D. Palmer, and Tina M. Chiang, and the annexed exhibits, the Court approves the Settlement Agreement as being fair, reasonable and adequate.

ACCORDINGLY, IT IS HEREBY ORDERED AS FOLLOWS:

1. Definitions. For purposes of this Order, the Court adopts by reference the definitions set forth in the "Definitions" section of the Settlement.
2. Notice. The Court finds that dissemination of the Court-approved Notice (Dkt. No. 276-2) constituted the most effective and practicable notice, under the circumstances, to Class Members concerning the proposed settlement and the final fairness hearing, and constituted due

and sufficient notice to all persons entitled to receive notice required by due process, Fed. R. Civ. P. 23(c)(2) and 23(e), the Equal Pay Act, and any other applicable law.

3. Final Approval of the Settlement Agreement. The Court finds that the Settlement Agreement is APPROVED as fair, reasonable and adequate, pursuant to Fed. R. Civ. P. 23(e), and as meeting the applicable standards for settlement under the Equal Pay Act. The Court further finds that each and every term, provision, condition, and agreement of the Settlement Agreement is adopted, incorporated, and made part of this Judgment, as if copied herein, and shall be effective, implemented, and enforced as provided in the Settlement Agreement.

4. Final Certification of Rule 23(b)(3) Class: For settlement purposes only, the Court grants final certification of the following class pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure:

All female sales force employees who are or were employed by Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., or any of their affiliates, parents, predecessors, successors, and assigned to a legacy-Forest position of Sales Representative, Specialty Representative, Hospital Representative, Institutional Representative and/or Regional Sales Trainer in the United States for at least one day between February 6, 2010 and April 3, 2017.

5. Final Certification of Equal Pay Act Collective: For settlement purposes only, the Court grants final certification of the following collective pursuant to 29 U.S.C. § 216(b):

All female sales force employees who are or were employed by Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., or any of their affiliates, parents, predecessors, successors, and assigned to a legacy-Forest position of Sales Representative, Specialty Representative, Hospital Representative, Institutional Representative and/or Regional Sales Trainer in the United States for at least one day between February 6, 2010 and April 3, 2017.

6. The “Settlement Class” includes all individuals who fall within the definition of the Rule 23(b)(3) Class and Equal Pay Act Collective, except for the following individuals who returned exclusion requests: Amy McDonald, Kristi Kemp, Iliana Dobreva, Amy Lewis, Stephanie

Maciaszek, Dana Januszkiewicz, Jessica Tischer, Amanda Thomason, and Angela Padgett (the “Opt-outs”). The Opt-outs are not bound by the terms of the Settlement.

7. Service Awards. The Court approves service awards for the Plaintiffs and Opt-in Plaintiffs who participated in discovery, as follows:

Megan Barrett, Lindsey Houser, Jennifer Jones, Jennifer Seard, Kimberly Clinton, Erin Eckenrode, Julie Smyth, Marie Avila, Christy Lowder, and Tracy Le: \$15,000 each

Hillary Hentges, Christina Mareskes, Angie Hesson, Sadie Huffman, Heather Wood, Shannon Merkel, Leyla Rezvani, Megan Engelberg, Amanda Diephouse, Rebecca Platkin, Jan Culpepper, JoAnn Johnson, Rachel Faas, Jessie Dietz, Christy Yepez, and Jennifer DeSilva: \$2,500 each

Donna Francati, Emily Gorman, Nicole Macomber: \$1,000 each

The Court finds these amounts to be fair, reasonable, and appropriate.

8. Attorneys' Fees, Litigation Costs, and Settlement Administration Costs: The Court approves Class Counsel's request for attorneys' fees in the amount of \$1,198,853.50 and reimbursement of litigation expenses in the amount of \$427,812.50. The Court additionally approves payment of the Settlement Administrator's costs out of the Total Settlement Amount in the amount of \$35,000.

9. Distribution of Settlement Funds: Defendants shall pay the settlement in accordance with the Parties' Settlement Agreement, and settlement monies will be distributed in accordance with that Agreement.

10. Jurisdiction. The Court finds that it has jurisdiction over the subject matter of the Action, the Representative Plaintiffs, the other Settlement Class Members, and Defendants. Without affecting the finality of the Judgment, the Court reserves exclusive and continuing jurisdiction and venue with respect to the consummation, implementation, enforcement, construction, interpretation, performance and administration of the Settlement and/or Judgment.

11. Dismissal with Prejudice. The entire Lawsuit is dismissed with prejudice, and without costs to any Party.

12. Entry of Judgment. There being no just reason to delay entry of this Judgment, the Clerk of the Court is ordered to enter this Judgment forthwith, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED, this 29th day of June, 2018.


HONORABLE RONNIE ABRAMS
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK